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Trial Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

HANS CONKEL,

Plaintiff,
v.

**THE REED INSTITUTE, dba
REED COLLEGE,**

Defendant.

Case No.:

COMPLAINT

Unlawful Discrimination based on Religion,
42 U.S. Code § 2000e-2(a)
Unlawful Discrimination based on Religion,
ORS 659A.030(1)(a)
Retaliation for Reporting Violations of Law,
ORS 659A.199
Unlawful Retaliation for filing a BOLI
Complaint, ORS 659A.030(1)(f)

Jury Trial Requested

NATURE OF THE ACTION

1. This is an action for unlawful discrimination based on religion, 42 U.S. Code § 2000e-2(a).
2. It is also an action under Oregon state laws prohibiting discrimination based on religion (ORS 659A.030(1)(a)) and unlawful retaliation for good faith reporting of information an employee believes is evidence of a violation of a state or federal law, rule or regulation, ORS 659A.199(1) and for retaliation for filing a complaint with the Oregon Bureau of Labor & Industries, ORS 659A.030(1)(f).

JURISDICTION AND VENUE

3. This court has jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. § 1331.

4. The court has jurisdiction over plaintiffs' state law claims set forth in this Complaint pursuant to its supplemental jurisdiction to hear related state law claims under 28 U.S.C. § 1337(a). Both the federal and state claims alleged herein arose from a common nucleus of operative fact, the state action is so related to the federal claim that they form part of the same case or controversy, and the actions would ordinarily be expected to be tried in one judicial proceeding.

5. The actions alleged herein were committed in the District of Oregon.

PARTIES

6. Plaintiff Hans Conkel is a competent, adult residing at all times material hereto in Polk County, Oregon, who worked for Defendant in Multnomah County, Oregon from on or about May 1, 2013 until on or about August 27, 2018 and was, at all times material, an employee of defendant.

7. Defendant Reed Institute, dba Reed College ("Reed") is an educational institution employing more than 500 employees.

FACTUAL ALLEGATIONS

8. Plaintiff is a Christian who openly shared his faith with some members of the Reed community who expressed interest. Plaintiff's supervisor and some members of Respondent's administration were aware of his faith and my discussions about religion.

9. Plaintiff worked for defendant as a locksmith and came into regular contact with students in the course of his duties.

10. In the course of interacting with students, Plaintiff both discussed his faith when asked and became aware of practices and conduct by Reed and its students which he believed in good faith constituted violations of the law.

11. Among the reports Plaintiff made to Reed administration were:

- (a) Multiple instances of employee theft;
- (b) Unlawful drug use by students and employees;
- (c) Sexual assaults of students and cover-up efforts by the administration;
- (d) Racial discrimination against employees;
- (e) Discrimination against students with disabilities;
- (f) Discrimination against employees based on religion; and
- (g) Performance of dangerous electrical work by unlicensed employees.

12. After reporting such matters to defendant and after defendant became aware of Plaintiff's Christian faith, defendant retaliated against plaintiff by placing on him restrictions intended to prevent plaintiff from sharing his faith and acting according to his faith in helping those who came to him for help. Such restrictions prohibited plaintiff from interacting with students, and even former students, on or off work and on or off campus. To plaintiff's knowledge, no other Reed employees were subject to such severe restrictions.

13. After being subject to such restrictions, plaintiff continued to be approached by students and former in need of help. The limitations placed on plaintiff by Reed placed him in the position of being subject to discipline for rendering aid or compassion (even off-hours, off-campus and to former students) as his faith dictated.

14. On August 22, 2018, Plaintiff filed a complaint with the Oregon Bureau of Labor & Industries ("BOLI") alleging employment discrimination based on his religion and retaliation for having reported unlawful conduct.

15. On August 23, 2019, plaintiff spoke with Defendant's Vice President and Treasurer, Lorraine Arvin, and asked her if she could arrange for a meeting meet with the Interim President about a student who had been sexually assaulted and was being pressured by Reed officials to drop her complaint because the person she accused wanted to go to medical school. She said she would not set up such a meeting. Plaintiff explained that he was following the reporting procedure and that because his prior reports of criminal conduct had resulted in threats of termination and severe restrictions on my rights, he had contacted BOLI to complain.

16. On or about August 27, 2018, plaintiff's next workday following his conversation with Ms. Arvin, defendant discharged plaintiff.

FIRST CLAIM FOR RELIEF

(Discrimination Based on Religion, 42 U.S. Code § 2000e-2(a),)RS 659A.030(1)(a))

Plaintiff realleged paragraphs 1-16 and further alleges as follows:

17. On information and belief, certain members of defendant's administration were aware of Plaintiff's Christian faith and objected to plaintiff sharing it with students and/or living by its principles within the highly progressive culture of the Reed community.

18. The restrictions imposed on plaintiff's interactions as alleged herein had the intent and/or the consequence of preventing plaintiff from living out the most sincerely-held tenants of his faith that encourage serving others in humility, love and charity.

19. The restrictions imposed on plaintiff discriminated against him with respect to terms and conditions of his employment on the basis of his religion.

20. The decision to terminate plaintiff's employment was based on his religion.

21. Plaintiff has incurred damages in the form of lost wages and benefits and compensable damages in amounts to be proven at trial, along with his reasonable costs and attorneys' fees.

Second CLAIM FOR RELIEF

(Retaliation for Reporting Unlawful Conduct, ORS 659A.199)

Plaintiff realleged paragraphs 1-21 and further alleges as follows:

22. Defendant discriminated against plaintiff in term and conditions of his employment and ultimately terminated his employment because he had reported the unlawful conduct alleged herein.

23. Plaintiff has incurred damages in the form of lost wages and benefits and compensable damages in amounts to be proven at trial, along with his reasonable costs and attorneys' fees.

Third CLAIM FOR RELIEF

(Retaliation for Reporting Unlawful Conduct, ORS 659A.199)

Plaintiff realleged paragraphs 1-23 and further alleges as follows:

24. Defendant discriminated against plaintiff in term and conditions of his employment and ultimately terminated his employment because he had initiated a complaint process with BOLI.

25. Plaintiff has incurred damages in the form of lost wages and benefits and compensable damages in amounts to be proven at trial, along with his reasonable costs and attorneys' fees.

JURY DEMAND

Plaintiff hereby requests that his claims be tried to a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the court assume jurisdiction of this cause and enter judgment as follows:

1. On Plaintiff's First Claim, in favor of Plaintiff and against Defendant in the amount of \$1,000,000 or such other sum as may be established, together with his costs and attorneys' fees;
2. On Plaintiff's Second Claim, in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$1,000,000 or such other sum as may be established, together with his costs and attorneys' fees; and
3. On Plaintiff's Third Claim, in favor of Plaintiff and against Defendants, jointly and severally, in the amount of \$1,000,000 or such other sum as may be established, together with his costs and attorneys' fees;
4. Such other relief as the court deems just and appropriate.

DATED this 18th day of July, 2019.

THE LAW OFFICE OF SCOTT T. CLIFF

s/ Scott T. Cliff

Scott T. Cliff, OSB # 871918
503-922-2071
Trial Attorney for Defendants